



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,340	02/27/2002	Simon Mellor	21860-6061	8537

33123 7590 03/25/2005

DAVID A. HALL
HELLER EHRMAN ET AL.
4350 LA JOLLA VILLAGE DRIVE #700
SAN DIEGO, CA 92122

EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,340

Applicant(s)

MELLOR ET AL.

Examiner

Eugene Yun

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-10, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-4, 8-10, 15, and 17 in the reply filed on 11/29/2004 is acknowledged. The traversal is on the ground(s) that the searching of one group of claims would lead to the searching of the other group of claims without serious burden. This is not found persuasive because the examiner disagrees with the above statement. One of the main limitations in the Group I claims teaches the act of "**extracting** a data signal from the input signal". On the other hand, one of the main limitations in the Group II claims teaches the act of "**combining** the data signal with a plurality of communications signals". These limitations perform actions which are quite different from each other. Therefore, the examiner believes that the searching of one group of claims would not lead to the searching of the other group of claims without serious burden, since the examiner would have to search for two separate references.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8-10, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ketonen (US 6,594,508).

Referring to Claim 1, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element (see col. 2, lines 37-39), the method comprising:

- receiving an input signal (see col. 3, lines 7-9);
- extracting a data signal from the input signal that includes values representing operating parameters of devices at the radiation element (see col. 3, lines 50-55); and
- producing a status signal for each device that simulates a feedback signal for the device (see col. 6, lines 57-65).

Claim 15 has similar limitations as claim 1.

Referring to Claim 8, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element, the method comprising:

- receiving an input signal (see col. 2, lines 7-9);
- extracting a data signal from the input signal that includes values representing operating parameter settings for devices at the radiation element (see col. 3, lines 50-55); and
- producing an output signal for each device that transfers the operating parameter setting to the device (see col. 9, lines 66-67 and col. 10, lines 1-8).

Claim 17 has similar limitations to claim 8.

Referring to Claims 2 and 9, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 3, the devices including system cables 206 (fig. 2).

Referring to Claims 4 and 10, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

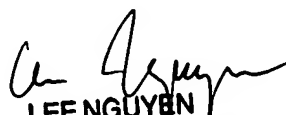
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eugene Yun
Examiner
Art Unit 2682

EY


LEE NGUYEN
PRIMARY EXAMINER